



Atty. Dkt. No.: P5817US2

TECH CENTER 1600/2900

OCT 17 2002

RECEIVED

#2416  
10/28/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Jim APPINO et al.

Serial No.: 08/865,044

Group Art Unit: 1616

Filed: May 29, 1997

Examiner: Marina LAMM

For: DEVICE FOR DISPENSING A THERAPEUTIC OR COSMETIC SUBSTANCE, THE INERT VEHICLE OF WHICH IS A VOLATILE POLYDIORGANOSILOXANE, AND COMPOSITION INTENDED TO BE USED IN THE DEVICE

**AMENDMENT**

Commissioner of Patents  
Washington, D.C. 20231

Sir:

The instant paper is submitted in response to the Office Action mailed July 15, 2002.

IN THE CLAIMS

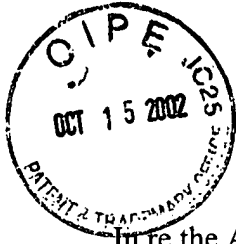
Cancel claims 16 and 25, without prejudice or disclaimer.

REMARKS

Claims 10-15, 17, 23, 24, and 26-28 are pending.

Claims 16 and 25 are canceled, hereby, as being redundant.

Reconsideration is being requested with respect to the rejection for alleged obviousness-double patenting based on claims 1-18 of U.S. Patent No. 5,582,815.



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TRANSMITTAL

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231

Sir:

Transmitted herewith is an Response in the above-captioned application.

\_\_\_\_ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a statement previously submitted.

\_\_\_\_ A check in the amount of \$ \*\*\*\*\* is attached for: \*\*\*\*\*

XX If a Petition for Extension of Time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge any fees necessary under 37 CFR 1.17 (a)-(d) to Deposit Account No. 06-1358. The Commissioner is also authorized to charge payment of any other additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1358.

JACOBSON HOLMAN PLLC  
400-Seventh-Street, N. W.  
Washington, D.C. 20004-2201  
Atty. Dkt. No. P58317US2  
Date: October 15, 2002  
WEP:rdt

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By: 

William E. Player  
Registration No. 31,409